IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 505 OF 2006

Vijay Bapu Pawar. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri R.D. Suryawanshi for Applicant.
Shri Rajesh More, APP for the State.
Shri S.V. Marwadi for Complainant.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 21, 2006

P.C. :-

. Heard learned Counsel for the applicant, learned APP for the State and learned Counsel for the complainant.

. The applicant has an apprehension that he is likely to be arrested in connection with a complaint which is filed at Kapurbavadi Police Station. By order dated 7th February, 2006, time was granted to the APP to take instructions when the learned Counsel appearing on behalf of the complainant sought permission to intervene in the matter and prayed that he may be heard before any final order is passed.

2. Learned Counsel for the complainant submitted

that the applicant has accepted the xerox copy of a document which was forged and without ascertaining whether the said document is forged or not, made an entry in the regular records. It is submitted this was done as a part of the conspiracy to deprive the complainant's copying rights in the said property. Learned Counsel submitted a copy of the document and the copy of the Agreement in support of the said submission.

3. It is not possible to accept the submission made by the learned Counsel appearing on behalf of the complainant. An offence under Sections 418, 420, 465, 466, 467, 468, 471, 477 read with Section 34 of the IPC has been registered at the Kapurbavadi Police Station. There is no allegation that the applicant in the discharge of his official duties himself fabricated the document but the allegation is he accepted the said forged documents and on the basis of the said document made a mutation entry. It is an admitted position that the applicant did not have right to certify the said mutation entry and this power has been vested only with the Circle Officer. It is also an admitted position

that the cancellation of mutation entry has been challenged by the complainant as per the provisions of the Maharashtra Land Revenue Code before the Sub-Divisional Officer and the RTS appeal is pending before the hearing and final disposal. Considering these facts, in my view, prima facie case has been made out for grant of anticipatory bail. The applicant has not been charged for the offence under Section 218 of the IPC.

4. Under the circumstances, in the event of the applicant being arrested by the Kapurbavadi Police Station, Thane, vide C.R.No.14/2005 registered by the Kapurbavadi Police Station for the aforesaid offences, he may be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. The applicant shall co-operate with the police in the investigation of the case. He shall report to Kapurbavadi Police Station as and when called.

. The application is disposed of.

(V.M. Kanade, J.)